IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1821 OF 2005

Shri Shelke Jagganath Raghunath ..Petitioner.

V/s.

State of Maharashtra & Ors. .. Respondents.

Mr. Rajendra Kadu for the Petitioner.

Mr. V.B.Konde-Deshmukh, APP for the Respondent-State.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.

DATED : 18TH JULY, 2006.

P.C.:

1. The prisoner has filed this petition for quashing the order dated 15.06.2005 passed by Respondent No.3 and for directing the authorities i.e. Respondent No.3 to release him on furlough. The prisoner is Shelke Jagganath Raghunath.

2. The learned Addl. Public Prosecutor pointed out that petitioner's application for furlough was rejected on the ground that when the petitioner was released on furlough on two occasions earlier, he did not surrender and he had to bring back after arrest by the police. On the first occasion, he could be brought after 595 days and on the second occasion he could be brought back

after 47 days. The learned Addl. Public Prosecutor, therefore, contended that this issue of right of the prisoner to be released on furlough has already been decided by the earlier division bench of this court, comprising of **Shri D.G.Deshpande & Smt. V.K. Tahilramani, JJ., by judgment/ order dated 28th June, 2006 in Criminal Writ Petition Nos. 1624/2004, 3019/2005 and 375/2006,** wherein certain guide-lines in such matters have been given and therefore, this petition should also be disposed of in the light of that judgment. In that judgment we have considered the cases of both types; namely, prisoner released on furlough; but not surrendered in time and brought back by the police, is the first category and the prisoner released on furlough; but not surrendered within stipulated time but surrendered on his own accord late. The present priosoner comes in the first category and therefore, the Jail Authorities shall decide his application on the basis of the aforesaid judgment of this court. Copy of which is already directed to be circulated to the authorities to decide furlough application in the State of Maharashtra in the light of the said judgment.

(D.G.DESHPANDE,J)

(S.A. BOBDE, J)